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facsimile transmittal

To: US PTO

571 273 8300

Fax:

From: Ted Sabety

Date: February 9, 2006

Re: U.S. Pat. App. No. 10/765,116

Pages: Cover + 5

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☐ Urgent

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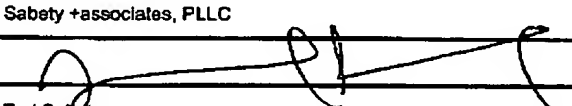
FEB 09 2006


PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10765,116
	Filing Date	January 28, 2004
	First Named Inventor	Evans, Rollin M.
	Art Unit	2884
	Examiner Name	Gagliardi, Albert J.
Total Number of Pages in This Submission	Attorney Docket Number	ARA-1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Sabety + associates, PLLC	
Signature		
Printed name	Ted Sabety	
Date	2/9/06	Reg. No. 53,540

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Ted Sabety	Date 2/9/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/98 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number
Theodore M. Sibety	53,540		

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	SIBETY ASSOCIATES PLLC		
Address	One Penn Plaza, 3 <sup>rd</sup> Fl.		
City	New York	State	NY
Country	USA		
Telephone	212 481 0656	Email	tsibety@sibety.net
Zip	10119		

Assignee Name and Address:

Applied Research Associates, Inc.  
 4300 Van Meter Ave. #4-220  
 Albuquerque, NM 87116

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/98 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>James A. Eddings</i>	Date	2/9/06
Name	James A. Eddings	Telephone	505.881.8074
Title	VP, Logistics & Risk Management		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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### POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number
Theodore M. Sabety	53,540		

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	SABETY & Associates PLLC		
Address	One Penn Plaza, 36 <sup>th</sup> Fl.		
City	New York	State	NY Zip 10119
Country	USA		
Telephone	212 481 8686	Email	ted@sabety.net

Assignee Name and Address:

Applied Research Associates, Inc.  
 4300 San Mateo Blvd. Ste. A-220  
 Albuquerque, NM 87110

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

#### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>James A. Edmonds</i>	Date	2/9/06
Name	James A. Edmonds	Telephone	505.881.8074
Title	VP Logistics & Risk Management		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (12-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Applied Research Associates, Inc.Application No./Patent No./Control No.: 10765116 Filed/Issue Date: January 24, 2004Entitled: Data Acquisition, Control, and Spectral Analysis Software for Multi-Channel AnalyzersApplied Research Associates, Inc.

(Name of Assignee)

, a corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James A. Eddings

Signature

James A. Eddings

Printed or Typed Name

V.P., Logistics & Risk Management

Title

2/9/06

Date

505.881.8074

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## INTELLECTUAL PROPERTY ASSIGNMENT

THIS ASSIGNMENT (this "Assignment") is made effective as of the 9<sup>th</sup> day of Feb, 2006 by and among Rollin Evans, a person residing at Albuquerque, NM (the "Assignor") and Applied Research Associates, Inc. a New Mexico Corporation with offices at 4300 San Mateo Blvd., Albuquerque, NM, 87110 (the "Company").

For One Dollar and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged by the Assignor, the parties hereto agree as follows:

### 1 ARTICLE 1: ASSIGNMENT PROVISIONS

- 1.1 The undersigned Assignor, hereby assigns to the Company all right, title and interest in and to the Intellectual Property set forth on the attached Exhibit A in all jurisdictions throughout the world free and clear of all liens and encumbrances of any kind (hereinafter referred to as the Assigned Intellectual Property).
- 1.2 Intellectual Property means any patent rights or equivalent industrial rights in any jurisdiction in the world, any rights to file for patents, any copyrights, any trade secrets, including any know-how related to or embodying the subject matter contemplated hereunder and the right to sue for, collect and retain all damages under the Assigned Intellectual Property for infringement that may have occurred prior to the effective date of this assignment. Patent rights include any continuations, divisions or other patent applications related to or claiming priority to those set forth in Exhibit A.
- 1.3 Assignor hereby agrees to fully cooperate with the Company in the drafting and filing of any patent applications regarding the Assigned Intellectual Property. In addition, assignor hereby appoints the Company the limited power of attorney to execute on Assignor's behalf any patent application documents as determined by the Company in its sole discretion.
- 1.4 Execution of Additional Instruments. Assignor hereby agrees to execute such other and further statements of interest and holdings, designations, powers of attorney and other instruments necessary to comply with any laws, rules or regulations governing the Assigned Intellectual Property.

[Remainder of Page Intentionally Blank]

In Witness Whereof the undersigned have executed this Assignment of the Assigned Intellectual Property set forth in Exhibit A to the Company:

Assignor	Signature	Date
Rollin Evans	<i>Rollin Evans</i>	2-9-06

State of New Mexico

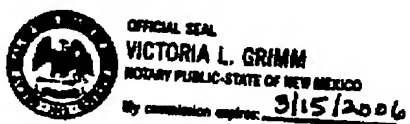
County of Bernalillo

Before me personally appeared said Rollin Evans and

acknowledged the foregoing instrument to be his free act and deed,

this 9th day of February, 2006.

Seal:



*Victoria L. Grimm*  
(Notary Public)

#### EXHIBIT A: ASSIGNED INTELLECTUAL PROPERTY

1. U.S. Pat. App. No. 10/765,116, titled: Data Acquisition, Control, and Spectral Analysis Software for Multi-Channel Analyzers, filed on January 28, 2004.